IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL No. 53 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 11/01/2005 in WPMP No. 59/2005 in WP No. 24595 OF 2004 and W.P.M.P.No.28/2005 in W.P.No.28/2005 on the file of the High Court.)

Between:

1. M. Kishan Reddy, S/o M. Mukund Reddy,
Water Users Association No. II, Nalla Vagu Project, Bibipet Village, Kalher Mandal, Medak District.
2. B. Hanumandloo, S/o. B. Kistaiah,
Territorial Constituency Member, Water Users Association No. IV, Nalla Vagu Project, r/o. Mardi Village, Kalher Mandal, Medak District.
3. U. Narsimloo, S/o. Galeppa,
Territorial Constituency Member, Water Users Association No. IV, Nalla Vagu Project,
r/o. Indiranagar Village, H/o. Mardi Village, Kalher Mandal, Medak District.
4. B. Bhoomaiah, S/o. Rajaiah,
Territorial Constituency Member, Water Users Association No. III, Nalla Vagu Project,
r/o. Krishnapur Village,Kalher Mandal, Medak District.

..... APPELLANTS

AND

1.The District Collector & Chairman, District Irrigation Advisory Board, Medak District At Sangareddy.
2.The Superintending Engineer, Irrigation & CAD Operations,
Nizamabad Circle, Nizamabad Member Convenor, D.I.A.B. Nizamabad.
3.The Executive Engineer, Irrigation Branch, Medak, Medak District.
4. Sri Suresh Kumar Shetkar, S/o. Shiva Rao Shetkar,

M.L.A. Narayankhed Constituency, Narayankhed, Medak District.
5. Gundu Narender, S/o. G. Ramaiah,
Water Users Association No. I, r/o. Bibipet, Kalher Mandal, Medak District.
6. Raj Kumar, S/o. Veeranna,
Water Users Association No. I, r/o. Sultanabad, Kalher Mandal, Medak District.

.....RESPONDENTS

Counsel for the Appellants: Mr. C.R.PRATAP REDDY

Counsel for respondents 1 to 3: G.P. for Irrigation & CAD.

Counsel for Respondent No.4: None appeared.

Counsel for Respondents 5 & 6: Mr. P.Yadagiri Rao.

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

Two Writ Petitions have been filed, namely, 24595 of 2004 and 28 of 2005, and, in miscellaneous applications moved therein, common order was passed by the learned Single Judge on 11.1.2005 leaving it open for the District Irrigation Advisory Board to take appropriate decision and pass necessary orders forthwith regarding release of water considering the feasibility and availability of the same to cater the needs of the ryots either in Zone I or Zones III and IV, as the case may be, after issuing notices to the affected parties. On 11.1.2005, order has been passed by the Advisory Board. The petitioners in W.P.No. 24595 of 2004 have filed this Appeal. Their main grievance is that they came to the Court for a direction to enforce the system of rotational water supply, which, respondents are bound to follow under the mandatory provisions of the Andhra Pradesh Irrigation Utilisation and Command Area Development Act, 1984, but the learned Single Judge without taking any decision on the same left it to the discretion of the Advisory Board. The submission of the learned counsel for the appellants is that when there is statutory provision for enforcement of the system of rotational water supply, it could not have been left to

the discretion of the Advisory Board.

As the learned Single Judge has not decided on the right claimed by the writ petitioners who are appellants before us, we allow the Appeal and set aside the impugned order with direction to decide the matter afresh in accordance with law, more particularly, about the right of the writ petitioners for enforcement of the system of rotational water supply.

As the matter is of an urgent nature, lest, the standing crop might destroy, we direct that the two miscellaneous applications along with the two writ petitions be posted before the learned Single Judge tomorrow viz. 19.1.2005 in the admission matters. No costs.

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DEVINDER GUPTA, C.J.

18.1.2005.

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M.NARAYANA REDDY, J.

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To

1.The District Collector & Chairman, District Irrigation Advisory Board, Medak

District At Sangareddy.
2.The Superintending Engineer, Irrigation & CAD Operations,
Nizamabad Circle, Nizamabad, Member Convenor, D.I.A.B. Nizamabad.
3.The Executive Engineer, Irrigation Branch, Medak, Medak District.
4. Two CCs to Government Pleader for Irrigation & Command Area Development,
High Court Buildings, Hyderabad.

5. Two CD copies.